

NELSON P. COHEN  
United States Attorney

STEPHAN A. COLLINS  
Assistant U.S. Attorney  
Federal Building & U.S. Courthouse  
222 West Seventh Avenue, #9, Room 253  
Anchorage, Alaska 99513-7567  
Tel: (907) 271-5071  
Fax: (907) 271-1500  
E-mail: [stephan.collins@usdoj.gov](mailto:stephan.collins@usdoj.gov)  
AK # 8911061

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	Case No. 3:05-cr-108 (JWS)
	)	
Plaintiff,	)	
	)	OPPOSITION TO MOTION FOR
vs.	)	JUDGMENT OF ACQUITTAL
	)	
SHANNON RAINEY	)	
	)	
Defendant.	)	
	)	
	)	

---

Shannon Rainey, the defendant, has renewed her motion for a judgment of acquittal limited to counts 13, 14, 15, 16, 18, 19, and 21—the money laundering counts— after the Court declared a mistrial on all counts of the indictment. The United States opposes the motion.

Rainey correctly points out that the focus of the Court's inquiry is on whether, taken in the light most favorable to the United States, any rational trier of fact could have found the essential elements of the crimes proven beyond a reasonable doubt. The essential elements of these money laundering counts are 1) Rainey knowingly engaged in a financial transaction involving the proceeds of some form of unlawful activity; 2) the proceeds were in fact the proceeds of a specific unlawful activity, drug trafficking in this case; and 3) Rainey knew the financial transaction was designed in whole or in part to conceal the source of the proceeds: drug trafficking.

The evidence previously presented established that Rainey participated in a series of financial transactions involving the interstate wiring of money between Alaska and Rainey, in Washington. At the time of her arrest, Rainey stated the source of the money involved in these transactions was Carlos Rainey's drug trafficking activities in Alaska, in which he had been involved for some time. As heard over the wire, during October, 2005, Rainey and her husband discussed the money he had earned from drug trafficking. Rainey specifically stated that Carlos Rainey did not have any money until three years prior to their conversation, which encompassed the time during which the money was wired to Rainey. The inference to be drawn from the context of the conversations was that Rainey knew

Carlos had been dealing drugs for some time and that the money she received from the wires had come from drug trafficking. By receiving the transferred proceeds in cash in Washington, Rainey was assisting her husband in their joint effort to conceal the true source of the money: drug trafficking in Alaska .

Rainey posits that there is no evidence about the exact time she learned about the source of the funds. A rational jury, however, could reasonably interpret her statements at the time of her arrest as establishing she knew at the time she received the money that they had come from Carlos Rainey's drug trafficking in Alaska. Furthermore, a rational jury could conclude the contents of the wire conversations support the inference that she knew of Carlos Rainey's drug dealing in Alaska as far back as 2003. Because of this, the resolution of these charges depends on Rainey's credibility: was she telling the officers the truth at the time of her arrest about knowing the source of the funds when they were wired to her.

Because determining the credibility of trial witnesses is a function left solely to the jury, and because a rational jury could find that Rainey knew the about the source of the money at the time it was wired to her in Washington, and that putting it in her name concealed its true source: Carlos Rainey's drug trafficking in Alaska, this Court should not deny Rainey's renewed motion for a judgement of acquittal on the money laundering charges. The trial jury is the

appropriate fact finder to resolve the money laundering charges against Rainey.

RESPECTFULLY SUBMITTED this day, September 18, 2006, in  
Anchorage, Alaska.

NELSON P. COHEN  
United States Attorney

s/Stephan A. Collins  
Assistant U.S. Attorney  
222 West 7<sup>th</sup> Ave., #9, Rm. 253  
Anchorage, AK 99513-7567  
Phone: (907) 271-5071  
Fax: (907) 271-1500  
E-mail: [stephan.collins@usdoj.gov](mailto:stephan.collins@usdoj.gov)  
AK # 8911061

**CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2006  
a copy of the foregoing was served  
electronically:

s/ Stephan A. Collins